



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,815	04/30/2001	Jacob McGuire	033048-051	9953

21839 7590 05/17/2005

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

HU, JINSONG

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,815

Applicant(s)

MCGUIRE, JACOB

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-21 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 are presented for examination. Claims 16-21 are newly added claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 8-9, 11-12, 14, 16-17 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Merchant et al. (Pub. No.: US 2002/0128815 A1).

4. As per claim 1, Merchant teaches the invention as claimed including a system for automatically configuring a plurality of different types of network devices [paragraph 1, lines 1-3], comprising:

a library of generic commands that can be applied to said devices [paragraph 28, lines 3-10], and converters for converting each of said generic commands into device-specific commands to be applied to individual network devices [paragraph 29; paragraph 43, lines 6-10];

a database storing configuration parameters for said plurality of network devices [410, 412, Fig. 4; paragraphs 17 and 44-45]; and

a configuration interface which receives said parameters from said database [paragraphs 21-23] and issues generic commands to said library to cause individual ones of said devices to be configured in accordance with said parameters [paragraphs 25, 28-32].

5. As per claim 2, Merchant teaches the step of issuing commands to said library to obtain configuration from individual devices and stores said information in said database [paragraph 31-32].

6. As per claims 3 and 4, Merchant teaches the configuration parameters are stored in said database as a model containing a list of values to which each configuration parameter in an individual one of said devices is to be set [410, Fig. 4; paragraph 44, lines 8-11].

7. As per claim 8, Merchant teaches the interface includes means for commanding a console server send a message to each console connected to said console server; means for analyzing a response to said message provided by each console to determine the type of device which transmitted response; and means for displaying a list of device types corresponding to the consoles connected to said console server [paragraphs 31-32].

8. As per claim 9, Merchant teaches a memory storing a template which contains a sequence of commands for configuring each of a plurality of devices of a given type, wherein each command that refers to a particular device contains a variable as the identification of the device; and wherein said database, stores a record which indicates the respective network address of each specific device for which a given device is to be configured, and said interface is responsive to a command and to configure a given device for retrieving said template and the stored record associated with said given device, substituting the network addresses in the retrieved record for the variables in said template, and issuing commands to configure the given device in accordance with said retrieved record and said template [paragraphs 29, 32-33, 44-46].

9. As per claims 11 and 12, Merchant teaches a plurality of templates are stored in said memory, each corresponding to a different respective type of device [410, Fig. 4; paragraph 44].

10. As per claim 14, Merchant teaches said converters transmit each of said commands in accordance with a transmission protocol specific to the individual devices, respectively [220, 222, Fig. 2].

11. As per claims 16-17 and 20-21, since they are method claims of claims 1-4, they are rejected for the same basis as claims 1-4 above.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 10, 13, 15 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merchant et al. (publication number: US 2002/0128815 A1) as applied to 1-4, 8-9, 11-12, 14, 16-17 and 20-21 above, in view of "Official Notice".

14. As per claim 10, Merchant teaches the invention substantially as claimed in claim 1. Merchant does not specifically teach the network addresses comprise Internet Protocol (IP) addresses. However, "Official Notice" is taken that both the concept and advantages of providing for IP address is well known and expected in the art. It would have been obvious to a person of ordinary skill in the art include Internet protocol address of device in Merchant's system because doing so would improve the functionality of the system by allowing configuring devices though Internet. One of ordinary skill in the art would have been motivated to modify Merchant's system with Internet protocol to improve the functionality of the system.

15. As per claims 13 and 18-19, Merchant teaches the invention substantially as claimed in claim 1. Merchant does not specifically teach a queue for individually

retrieved and forwarded commands to the library by said interface. However, "Official Notice" is taken that both the concept and advantages of providing for queue is well known and expected in the art. It would have been obvious to a person of ordinary skill in the art include a queue in Merchant's system because doing so would increase the data transmitting speed of the system. One of ordinary skill in the art would have been motivated to modify Merchant's system to increase the efficiency of the system.

16. As per claim 15, Merchant teaches the invention substantially as claimed in claim 1. Merchant does not specifically teach said transmission protocols comprise Telnet. However, "Official Notice" is taken that both the concept and advantages of providing for Telnet is well known and expected in the art. It would have been obvious to a person of ordinary skill in the art include telnet in Merchant's system because doing so would bring convenience to user by allowing them choose the protocol based on their preference or need.

Allowable Subject Matter

17. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

18. Applicant's arguments filed on 11/18/04 for claims 1-21 have been fully

considered but they are not deemed to be persuasive.

In the remarks, applicant argued in substance that Merchant does not teach a database storing configuration parameters for said plurality of network devices, a configuration interface for receiving the parameters from the database and issue generic command to the library.

19. Examiner respectfully traverses applicant's remarks:

Applicant fails to consider the teaching of the Merchant's reference for storing configuration parameters of device [i.e., Merchant refers as host, see paragraph 17] in database [410 and 412 of Fig. 4], and a configuration interface generate generic command [i.e., high level language description 212] to the library [paragraphs 25 and 28]. See Office Action for details. Thus, Merchant is a relevant prior art reference.

20. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

May 11, 2005



VIET D. VU
PRIMARY EXAMINER